

summonses properly to these Defendants as required by Rule 4. As a result, the Court lacks personal jurisdiction over these Defendants. This action as to these Defendants should be dismissed pursuant to Rules 12(b)(2), (4), and (5).

3. The defendant identified as “Carmen Carrae” does not exist, or at least is not and has never been an employee of the Johnston County Department of Social Services. Any reference to this person is immaterial and impertinent and should be stricken pursuant to Rule 12(f).

4. The Plaintiff’s minor children are not properly joined as real parties in interest, are not properly represented, and have failed to sign the Complaint as required by Rule 11. The claims on their behalf should be stricken and dismissed pursuant to Rules 11, 12(f), and 17.

WHEREFORE, these Defendants move the Court for its Order striking the claims of the minor children and dismissing this action in its entirety against these Defendants with prejudice, and allowing such other and further relief as to the Court seems just and proper.

This 25th day of January, 2013.

/s/ David F. Mills

David F. Mills

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unnamed “unknown officers and agents of the
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was filed with the Clerk of Court for the United States District Court for the Eastern District of North Carolina using the CM/ECF system, which will send notification of such filing to all parties in this action registered on the system. In addition, a copy has been sent by United States mail to the pro se Plaintiffs addressed to Plaintiff Myers's physical address of record as well as to the parties who have not yet filed their appearance in this matter:

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Pro Se Plaintiff and mother of minor children, C.M., A.M. & M.M.

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Det. J. Creech; Det. C.K. Allen; Det. J. Canady; Det. A. Case;
Deputy Gillis; unknown Officers/Agents of the Office of the
Johnston County Sheriff*

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Magistrate/Judge Bethany Hale; Magistrate/Judge Walter Stanley;
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Office and Johnston County District Attorney's Office*

This 25th day of January, 2013.

/s/ David F. Mills

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